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November 16, 2021

VIA ECF

Hon. Jesse M. Furman
United States District Judge
Thurgood Marshall
United States Courthouse
40 Foley Square, Room 1105
New York, New York 10007

Re: Juel Roundtree v. Dr. Mullins, et al.
Index No.: 19-CV-2475
Our File No.: 611-3284

Dear Judge Furman:

Our law firm, Heidell, Pittoni, Murphy & Bach, LLP, represents Defendants Dr. Jane San Jose, Dr. Arkady Cherchever, and Dr. John Mullins in the above-referenced matter. Defendants submit this letter motion pursuant to Section 3 of Your Honor's Individual Rules and Practices in Civil Pro Se Cases, to request that the Court schedule an informal conference at which time Defendants anticipate requesting an extension of Your Honor's discovery deadlines.¹

On August 26, 2021, our law firm served Defendants' Requests for Interrogatories and Production of Documents on Plaintiff. Plaintiff failed to respond to Defendants' Requests for Interrogatories and Production of Documents and, during a meet and confer on October 1, 2021, Plaintiff advised our law firm that he misplaced Defendants' Requests for Interrogatories and Production of Documents and requested that we send him another copy. Plaintiff again failed to respond to Defendants' Requests for Interrogatories and Production of Documents and during a meet and confer on November 3, 2021, Plaintiff advised our law firm that he no longer lives at the Wolcott Hotel address on file with the Court and asked if we could send another copy of Defendants' Requests for Interrogatories and Production of Documents to his PO Box address, which he provided to us. On November 16, 2021, Plaintiff advised that he did not know if he received Defendants' Requests for Interrogatories and Production of Documents at his PO Box

¹ The current deadline for the parties to complete discovery is January 14, 2022. (ECF 122).
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address and stated that he does not have control over the PO Box. Consequently, Defendants' Requests for Interrogatories and Production of Documents remain outstanding. Additionally, Defendants have not received any responses to their Second Demand for Authorizations which was served on September 21, 2021.

Accordingly, Defendants request that the Court schedule an informal conference as Defendants have been seeking responses to their initial discovery demands for nearly three months and have been unable to obtain responses in a timely manner. Plaintiff's failure to respond to Defendants' initial discovery demands has hampered our efforts to discover the facts about his medical condition and has delayed our ability to conduct Plaintiff's deposition. Defendants have acted in good faith with respect to discovery and none of the delays in timely proceeding with discovery can be attributed to any acts of non-compliance on the part of Defendants.

We thank the Court for its attention to this matter.

Respectfully submitted,

A handwritten signature in black ink that reads "G. Apfel".

Gabrielle Apfel

GA/ep

cc: **VIA REGULAR and CERTIFIED MAIL**
Article No: 7019 1640 0000 4456 6346

Mr. Juel Roundtree
127 West 83rd Street
Unit 1038
New York, NY 10024

It is hereby ORDERED that Plaintiff shall file any response no later than **November 29, 2021**. It is further ORDERED that the parties appear via telephone for a conference with the Court on **December 3, 2021, at 2:00 p.m.** The parties should join the conference by calling the Court's dedicated conference line at (888) 363-4749 and using access code 542-1540, followed by the pound (#) key. The parties should review and comply with the rules regarding teleconferences in the Court's Individual Rules. **No later than 24 hours before the conference**, Defendants' counsel shall send an email to the Court with a list of counsel for Defendants who may speak during the teleconference and the telephone numbers from which Defendants' counsel and Plaintiff expect to join the call. The Clerk of Court is directed to terminate ECF No. 124 and to mail a copy of this Order to Plaintiff.

SO ORDERED

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A handwritten signature in black ink that reads "Juel Roundtree".

November 16, 2021